

Request and Writ for Garnishment (Periodic)

(Form MC 12)

| | | |
|---|--|---------------------|
| • STATE OF MICHIGAN _____ JUDICIAL DISTRICT _____ JUDICIAL CIRCUIT | REQUEST AND WRIT FOR GARNISHMENT (PERIODIC) | • CASE NO. |
| Court address | • Zip code | Court telephone no. |

| | | |
|--|---|---|
| • Plaintiff name and address Plaintiff's attorney, bar no., and address • • • • Telephone no. | v | • Defendant name and address • Social security no. Employee ID or account no. Garnishee name and address |
|--|---|---|

REQUEST

1. Plaintiff received judgment against defendant for \$ _____ on _____.
2. The amount of the unsatisfied judgment now due (including interest and costs) is • \$ _____.
3. Plaintiff knows or with good reason believes that the garnishee is indebted or obligated to the defendant for periodic payments.
4. **Plaintiff requests** a writ of periodic garnishment.

I declare that the statements above are true to the best of my information, knowledge, and belief.

Date _____

Plaintiff/Agent/Attorney signature _____

WRIT OF GARNISHMENT

To be completed by the court. See other side for additional information and instructions.

TO THE PLAINTIFF: You must provide all copies of the disclosure form (MC 14), 2 copies of this writ, and a \$6.00 disclosure fee for serving on the garnishee. You are responsible for having these documents served on the garnishee within 91 days.

TO THE DEFENDANT:

1. You have **14 days** after this writ is mailed or delivered to you to file objections with the court. If you do not take this action within this time, without further notice, periodic payments due to you may be withheld for as long as 91 days after this writ is issued and paid directly to the plaintiff.

TO THE GARNISHEE:

1. Within **7 days** after you are served with this writ, you must deliver a copy of this writ to the defendant in person or mail a copy to his or her last known address by first class mail.
2. Within **14 days** after you are served with this writ, you must deliver or mail copies of your verified disclosure (form MC 14) to the court, plaintiff/attorney, and defendant. A default may be entered against you for failure to comply with this order.
3. Do not pay any obligations to the defendant unless allowed by statute or court rule.
4. If indebted, withholding must begin according to court rule (see instructions on the Garnishee Disclosure form). Unless notified that an objection has been filed, **28 days** after you are served with this writ you must begin forwarding withheld payments.

You are ordered to make all payments withheld under this writ payable to:

| | | |
|--|---|-------------------------------------|
| <input type="checkbox"/> the plaintiff | <input type="checkbox"/> the plaintiff's attorney | <input type="checkbox"/> the court |
| and mail them to: <input type="checkbox"/> the plaintiff. | <input type="checkbox"/> the plaintiff's attorney | <input type="checkbox"/> the court. |

5. This periodic garnishment is effective until: a) the amount withheld equals the amount of the unpaid judgment as stated in item 2. of the request; b) the expiration of 91 days after the issue date of this writ; or c) the amount withheld exceeds the remaining unpaid judgment as stated in item 2. of the request.
6. Within **14 days** after this writ expires, you must file a final statement of the total amount paid on this writ.

Date of issue _____

Expiration date _____

Clerk of the court/Deputy _____

PERIODIC GARNISHMENTS

Definitions

Periodic Garnishment - garnishment of periodic payments which include, but are not limited to, wages, salary, commissions, bonuses, and other income paid to the defendant during the period of the writ; land contract payments; rent; and other periodic debt or contract payments.

Additional Instructions for the Plaintiff:

You must provide information that will permit the garnishee to identify the defendant such as the defendant's address, social security number, employee identification number, etc.

Additional Instructions for the Defendant:

1. This writ has been issued because there is a judgment against you which you have not paid. In order to collect on this judgment, income due to you may be garnished.
2. You may object to this garnishment if:
 - a. Your income is exempt from garnishment by law;
 - b. You have a pending bankruptcy proceeding;
 - c. The maximum withheld exceeds the amount allowed by law;
 - d. You have an installment payment order;
 - e. You have paid the judgment in full;
 - f. The garnishment was not properly issued or is otherwise invalid.
3. Certain income is exempt from garnishment and the law gives you the right to claim this income as exempt to prevent it from being used to collect on this judgment. The following are examples of some types of income that are exempt from garnishment and the citations where each type may be found in the law. This is not intended as a complete list. You may want to contact your lawyer or legal aid agency for further assistance.

EXAMPLES OF INCOME EXEMPT FROM GARNISHMENT

The following are examples of **some** of the types of income that are exempt from garnishment and the citations where each type may be found in the law. **Please note that this is not intended as a complete list. You may want to contact your lawyer or legal aid agency for further assistance.**

- Individual Retirement Account (IRA) - [MCL 600.6023(a)(11)]
- Social Security Benefits - [42 USC, Section 407]
- Supplemental Security Income Benefits (SSI) - [42 USC, Section 1383(d)]
- Aid to Families with Dependent Children (AFDC) - [MCL 400.63]
- General Assistance Benefits (GA) - [MCL 400.63]
- Unemployment Compensation Benefits - [MCL 421.30]
- Veterans Assistance Benefits - [38 USC, Section 3101]
- Workers' Compensation Benefits - [MCL 418.821]
- The first \$500.00 on deposit in a savings and loan savings account - [MCL 491.628]
- Cash value or proceeds of life insurance or annuity, payable to the spouse or children of the insured - [MCL 500.2207(1)]
- Income benefits under the Michigan Civil Service Act - [MCL 38.40]
- Income benefits under the Michigan Retirement Act - [MCL 421.30]
- U.S. Civil Service Retirement Benefits - [5 USC, Section 8346]

PROOF OF SERVICE

**REQUEST AND WRIT FOR
GARNISHMENT (PERIODIC)**

Case No. _____

TO PROCESS SERVER: You must serve the garnishee with 2 copies of the request and writ of garnishment, a disclosure form, and the applicable fee and file proof of service with the court clerk as directed by the plaintiff. If you are unable to complete service, you must return this original and all copies to the court clerk.

CERTIFICATE / AFFIDAVIT OF SERVICE / NON-SERVICE

☐ **OFFICER CERTIFICATE**

I certify that I am a sheriff, deputy sheriff, bailiff, appointed court officer, or attorney for a party [MCR 2.104(A)(2)], and that: (notary not required)

OR

☐ **AFFIDAVIT OF PROCESS SERVER**

Being first duly sworn, I state that I am a legally competent adult who is not a party or an officer of a corporate party, and that: (notary required)

- ☐ I served 2 copies of the request and writ of garnishment, a disclosure form, and the applicable fee by:
☐ personal service ☐ registered or certified mail (copy of return receipt attached) on:

| | | |
|----------------|-----------------------------|-----------------|
| Garnishee name | Complete address of service | Day, date, time |
| | | |

- ☐ I have personally attempted to serve the writ of garnishment, a disclosure form, and the applicable fee on the garnishee and have been unable to complete service.

| | | |
|----------------|-----------------------------|-----------------|
| Garnishee name | Complete address of service | Day, date, time |
| | | |

| | | | |
|-------------|----------------|-------------|-----------|
| Service fee | Miles traveled | Mileage fee | Total fee |
| \$ | | \$ | \$ |

Signature _____

Title _____

Subscribed and sworn to before me on _____, _____ County, Michigan.
Date

My commission expires: _____ Signature: _____
Date Deputy court clerk/Notary public

ACKNOWLEDGMENT OF SERVICE

I acknowledge that I have received 2 copies of the request and writ of garnishment, a disclosure form, and the applicable fee on

_____,
Day, date, time

Signature _____ on behalf of _____